

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF CAYUGA-----X  
PATRICIA RABINOVICH

Index No. \_\_\_\_\_

Plaintiff,

- against -

MICHAEL SPENO

Defendants.  
-----X**VERIFIED  
COMPLAINT**

Plaintiff Patricia Rabinovich, by her attorneys Hach Rose Schirripa & Cheverie LLP, complaining of the Defendant, Michael Speno, respectfully alleges, upon information and belief and states as follows:

**NATURE OF THE ACTION**

1. This is a revival action brought pursuant to the New York Child Victims Act (the “CVA”), CPLR § 214-g. The CVA opened a historic one-year one-time window for victims and survivors of childhood sexual abuse in the State of New York to pursue lapsed claims. Prior to the passage of the CVA, each Plaintiff’s claims were time barred the day they turned 22 years old.

2. Plaintiff Patricia Rabinovich (“Plaintiff”) brings this action to recover damages suffered as a result of the repeated sexual abuse at the hands of Defendant Michael Speno which began when Plaintiff was just nine years old.

3. As a result of the passage of the CVA, Plaintiff for the first time in her life can now pursue restorative justice. Plaintiff brings suit to vindicate her rights.

**PARTIES**

4. Plaintiff is an individual who resides in Florida, but grew up in Auburn, New York and resided in Auburn at all relevant times described herein.

5. Defendant Speno is an individual who resides in Auburn, New York. Defendant lived in Auburn, New York at all relevant times described herein. Defendant presently resides in Auburn.

### **JURISDICTION AND VENUE**

6. This Court has Jurisdiction over the claims asserted herein pursuant to §§ 301 and 302, in that Defendant resides in New York

7. This court has jurisdiction to hear these claims as a result of the passage of the New York State Child's Victims Act passed in February 2019. As a result of the passage of this Act, the Statute of Limitations for Plaintiff's claims has been altered allowing her to file the instant Complaint.

8. Venue for this action is proper in the County of Cayuga pursuant to C.P.L.R. § 503 in that the Defendant resides in this County and a substantial part of the events and omissions giving rise to the claim occurred in Cayuga County.

### **FACTS COMMON TO ALL CAUSES OF ACTION**

#### ***Plaintiff Meets Defendant Speno***

9. Plaintiff was born on October 30, 1966 and, at all relevant times, resided in Auburn, NY.

10. Plaintiff is one of six children. Growing up, Plaintiff's mother was an alcoholic, and her father was always consumed with the family business.

11. In the summer of 1976, Plaintiff was nine (9) years old and met Defendant Speno, who was an eighteen (18) years old.

12. Because her sister was dating Defendant Speno at the time, he frequently came to Plaintiff's family home in Auburn to play pool in Plaintiff's father's studio at the back of Plaintiff's house.

***Defendant Speno Sexually Abuses Nine Year Old Plaintiff***

13. In or around the summer of 1976, on one occasion, Defendant Speno was in the back room of Plaintiff's house playing pool with his friend and eventual brother-in-law.

14. Plaintiff was also permitted to play pool.

15. In or around the summer of 1976, Defendant Speno approached Plaintiff in the back room of her home, pushed Plaintiff against the wall, leaned in and forcefully inserted his tongue into nine (9) year old Plaintiff's mouth.

16. After Defendant Speno forced his tongue in Plaintiff's mouth, Defendant Speno asked her, "Did you like that? See? It's good." Plaintiff was scared and remained silent.

17. Defendant Speno then told Plaintiff "this never happened" and threatened to have Plaintiff killed by the mafia if she ever told anyone. Plaintiff was unsure what the mafia was, but Plaintiff was terrified.

18. From the ages nine (9) through sixteen (16) Plaintiff was cruelly and repeatedly molested, raped, and traumatized at the hands of Defendant Speno.

19. On another occasion in or around the summer of 1976, while Plaintiff was sleeping, Defendant Speno snuck into Plaintiff's bedroom from the bathroom which was connected to Plaintiff's bedroom.

20. That night, Defendant Speno escalated his sexual abuse of Plaintiff. Defendant Speno entered Plaintiff's room, grabbed the back of Plaintiff's head, and placed his erect penis in Plaintiff's face.

21. Defendant Speno then forced Plaintiff to perform oral sex on him by holding Plaintiff's hair and moving Plaintiff's head back and forth until he ejaculated into Plaintiff's mouth. Defendant Speno would not allow Plaintiff to pull her head away and forced Plaintiff to swallow his semen. When Defendant was finished, Defendant Speno threatened to kill Plaintiff.

22. Defendant Speno repeated this criminal behavior on numerous occasions. Indeed, Defendant Speno regularly came to Plaintiff's family home to play cards only as a ruse to enter Plaintiff's room and sexually assault her.

23. After each assault, Defendant Speno always told Plaintiff she would be killed if she spoke of his abuse. Plaintiff tried to resist Defendant's brutality, but Defendant Speno would always threaten to hurt Plaintiff if she told anyone. Each time Defendant Speno would assault Plaintiff, Plaintiff felt completely powerless.

24. As time passed, Defendant Speno escalated his behavior.

25. Defendant Speno began to touch Plaintiff's breasts (or what Plaintiff considered her chest at the time, since she did not have breasts at nine years old) and vagina.

26. Before Plaintiff was ten (10) years old, Defendant Speno had already perfected forcing his erect penis into Plaintiff's mouth while simultaneously penetrating her vagina with his fingers. In addition to the emotional trauma, this act always caused Plaintiff physical pain.

27. In June 1979, Cindy married Defendant Speno, and Plaintiff felt a sense of relief. At the time, Plaintiff believed that her sister would be moving out of Plaintiff's family home, and that Plaintiff would be less vulnerable to Speno's regular attack and abuse.

28. However, Plaintiff's mother—absent due to her alcoholism—left Plaintiff in the care of Cindy and Defendant Speno. In fact, there were many times that Cindy and Defendant Speno would have to babysit Plaintiff.

29. Defendant's parents Roberta and Nicholas lived close by and had a swimming pool. Cindy and Defendant would take often Plaintiff to Defendant's parents' home and instructed Plaintiff to go swimming.

30. When Plaintiff would swim in the pool, Defendant Speno would always get in as well. Defendant Speno would put his hands under Plaintiff's bathing suit and force his fingers inside Plaintiff's vagina. Defendant Speno would always stare at Plaintiff as his way of warning Plaintiff to keep her mouth shut during these encounters.

31. After digitally penetrating Plaintiff in the pool, Defendant Speno would force Plaintiff to go into the bathroom to change into dry clothes. Defendant Speno would always enter the bathroom when he thought no one was watching, block the door with his body, and force his erect penis into Plaintiff's mouth and then force her to swallow his semen.

32. The assaults on Plaintiff continued, but became more infrequent.

33. In 1982, Cindy and Defendant Speno were avid bowlers and the couple offered Plaintiff \$1.00 per hour to babysit Plaintiff's niece. Plaintiff agreed to babysit and spend time with her niece. Plaintiff did not know that she was walking into what would become a renewed opportunity for Defendant Speno to continue to sexually abuse her.

34. When the couple would return home, Defendant Speno would always tell Plaintiff to sleep over. Plaintiff did not say no out of fear.

35. When Plaintiff would stay at Cindy and Defendant Speno's home, the couple would go to bed together and Plaintiff would sleep on the couple's couch. Defendant Speno would wait for Cindy to go to sleep and would then come out to the living room to wake Plaintiff.

36. Defendant Speno would repeat his usual behavior of forcing his erect penis into Plaintiff's mouth, hold Plaintiff's head so he could ejaculate into Plaintiff's mouth, force her to swallow his semen, put his penis back into his pajama pants, and go back to bed with Cindy.

37. At some point in or around 1982, Defendant Speno also began forcibly putting his mouth on Plaintiff's vagina.

38. For the next year, Defendant Speno continued his routine of forcing his penis into Plaintiff's mouth, forcing his fingers into Plaintiff's vagina, and forcing his mouth on Plaintiff's vagina.

39. At no time in the seven years of forced sexual activity described herein did Plaintiff provide her consent to engage in these acts with Defendant Speno.

40. At no time in the seven years of forced sexual activity described herein could Plaintiff legally provide her consent to engage in these acts with Defendant Speno.

41. At all times from 1976 through 1983, the conduct alleged herein violated New York State's Penal Code.

42. Upon information and belief, Defendant Speno molested and raped other girls around the same age as Plaintiff in and around the same time as Plaintiff.

43. Upon information and belief, Defendant Speno had sex with other underage girls in and around the same time he assaulted Plaintiff and in the years thereafter.

44. As a direct result of the Defendant's conduct described herein, Plaintiff has suffered and will continue to suffer great pain of mind and body, severe and permanent emotional distress, and physical manifestations of emotional distress. Plaintiff was prevented from obtaining the full enjoyment of life; has incurred and will continue to incur expenses for medical and psychological treatment, therapy, and counseling; and has incurred and will continue to incur loss of income

and/or loss of earning capacity. As a victim of Defendant's sexual abuse, Plaintiff is unable at this time to full describe all of the details of that abuse and the extent of the harm suffered as a result.

### **CAUSES OF ACTION**

#### **FIRST CAUSE OF ACTION ASSAULT**

45. Plaintiff repeats and re-alleges each and every allegation set forth in the paragraphs "1" through "44" as if fully set forth herein.

46. Speno, by reason of his aforementioned unlawful conduct, has battered the Plaintiff, in that, he intentionally inflicted harmful or offensive contact upon the Plaintiff.

47. Speno intentionally inflicted harmful and offensive contact upon the Plaintiff, in that, he, with clear purpose to do so or despite significant knowledge and without the Plaintiff's consent and/or permission and for no legitimate purpose, repeatedly forced his erect penis into Plaintiff's mouth, ejaculate into her mouth and force her to swallow his semen, repeatedly force his fingers inside of Plaintiff's vagina, and repeatedly held Plaintiff down and placed his mouth on her vagina.

48. As a direct result of Defendant's conduct Plaintiff has suffered the injuries and damages described herein.

49. By reason of the foregoing, Defendant is liable to Plaintiff for compensatory damages and for punitive damages, together with interests and costs.

#### **SECOND CAUSE OF ACTION BATTERY**

50. Plaintiff repeats, reiterates, and re-alleges each and every allegation set forth above in the Paragraphs of the Complaint marked and numbered "1" through "44," both inclusive, with the same force and effect as if fully set forth herein at length.

51. Speno, by reason of his aforementioned unlawful conduct, has assaulted the Plaintiff, in that, he intentionally inflicted apprehension of imminent harmful or offensive contact (i.e., battery) upon the Plaintiff.

52. Speno intentionally inflicted apprehension of imminent harmful or offensive contact (i.e., battery) upon the Plaintiff, in that, he, with clear purpose to do so or despite significant knowledge and without the Plaintiff's consent and/or permission and for no legitimate medical purpose, with the Plaintiff's awareness, repeatedly forced his erect penis into Plaintiff's mouth, ejaculated into her mouth and forced her to swallow his semen, repeatedly forced his fingers inside of Plaintiff's vagina, and repeatedly held Plaintiff down and placed his mouth on her vagina.

53. As a direct result of Defendant's conduct Plaintiff has suffered the injuries and damages described herein.

54. By reason of the foregoing, Defendant is liable to Plaintiff for compensatory damages and for punitive damages, together with interests and costs.

### **THIRD CAUSE OF ACTION SEXUAL ABUSE**

55. Plaintiff repeats and re-alleges each and every allegation set forth in the paragraphs "1" through "44" as if fully set forth herein.

56. Speno did sexually assault, sexually abuse, and/or have sexual contact with Plaintiff in violation of the laws of the State of New York.

57. By sexually assaulting, sexually abusing, and/or having sexual contact with Plaintiff, Speno placed Plaintiff in imminent and reasonable apprehension of harmful and offensive contact.



58. By sexually assaulting, sexually abusing, and/or having sexual contact with Plaintiff, Speno acted so as to cause unjustified, harmful and offensive physical contact with Plaintiff.

59. As a direct result of Defendant's conduct Plaintiff has suffered the injuries and damages described herein.

60. By reason of the foregoing, Defendants, jointly severally, and/or in the alternative are liable to Plaintiff for compensatory damages and for punitive damages, together with interests and costs.

**FOURTH CAUSE OF ACTION**  
**FALSE IMPRISONMENT**

61. Plaintiff repeats, reiterates, and re-alleges each and every allegation set forth above in the Paragraphs of the Complaint marked and numbered "1" through "44," both inclusive, with the same force and effect as if fully set forth herein at length.

62. Speno by reason of his aforesaid unlawful conduct, has falsely imprisoned the Plaintiff, in that he, absent consent or justification and with the Plaintiff's awareness, intentionally confined the Plaintiff against her will.

63. Speno, absent consent or justification and with the Plaintiff's awareness intentionally confined the Plaintiff, in that, he, with clear purpose to do so or despite significant knowledge and, without the Plaintiff's consent and/or permission, trapped her in bedroom at her home and in a bathroom at the home of his parents on multiple occasions blocking the door, despite her resistance, repeatedly forced his erect penis into Plaintiff's mouth, ejaculated into her mouth and forced her to swallow his semen, repeatedly forced his fingers inside of Plaintiff's vagina, and repeatedly held Plaintiff down and placed his mouth on her vagina; and as herein above set forth,

he repeatedly unlawfully detained or restrained Plaintiff in the bathroom at her home and the home of his parents, despite her clear resistance and clear intention to exit same.

64. As a result of the aforementioned false imprisonment, the Plaintiff has been caused to suffer and sustain severe and potentially permanent personal injuries including serve injury, humiliation and potentially permanent injury to her emotional and psychological wellbeing.

65. As a result of the foregoing false imprisonment, the Plaintiff has been damaged in an amount to be determined at trial hereof, which amount exceeds the jurisdictional limit of all lower courts.

66. By reason of the foregoing, Defendant is liable to Plaintiff for compensatory damages and for punitive damages, together with interests and costs.

**FIFTH CAUSE OF ACTION**  
**INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**

67. Plaintiff repeats, reiterates, and re-alleges each and every allegation set forth above in the Paragraphs of the Complaint marked and numbered "1" through "44," both inclusive, with the same force and effect as if fully set forth herein at length.

68. Speno, by reason of his aforementioned unlawful conduct, has intentionally inflicted emotional distress upon the Plaintiff, in that he intentionally, by extreme and outrageous conduct, caused severe and emotional distress to the Plaintiff, in that, he with clear purpose to do so or despite significant knowledge and without Plaintiff's consent and/or permission repeatedly forced his erect penis into Plaintiff's mouth, ejaculated into her mouth and forced her to swallow his semen, repeatedly forced his fingers inside of Plaintiff's vagina, and repeatedly held Plaintiff down and placed his mouth on her vagina, the aforementioned acts causing the Plaintiff severe and emotional distress.

69. As a direct result of Defendant's conduct Plaintiff has suffered the injuries and damages described herein.

70. By reason of the foregoing, Defendant is liable to Plaintiff for compensatory damages and for punitive damages, together with interests and costs.

**SIXTH CAUSE OF ACTION**  
**NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS**

71. Plaintiff repeats, reiterates, and re-alleges each and every allegation set forth above in the Paragraphs of the Complaint marked and numbered "1" through "44," both inclusive, with the same force and effect as if fully set forth herein at length.

72. Speno, by reason of his aforementioned unlawful conduct, has negligently inflicted emotional distress upon the Plaintiff, in that, he breached a duty of care owed to the Plaintiff, thereby directly and genuinely causing her emotional harm.

73. Speno, breached a duty of a care owed to the Plaintiff, and thereby directly and genuinely caused emotional harm thereto in that, he without the Plaintiff's consent repeatedly forced his erect penis into Plaintiff's mouth, ejaculated into her mouth and forced her to swallow his semen, repeatedly forced his fingers inside of Plaintiff's vagina, and repeatedly held Plaintiff down and placed his mouth on her vagina, the aforementioned conduct directly and genuinely causing severe injury to the Plaintiff's emotional and psychological well-being.

74. As a direct result of Defendant's conduct Plaintiff has suffered the injuries and damages described herein.

75. By reason of the foregoing, Defendant is liable to Plaintiff for compensatory damages and for punitive damages, together with interests and costs.

**WHEREFORE**, Plaintiff, demands judgment against the Defendant on each cause of action as follows:

- A. Awarding compensatory damages in an amount to be provide at trial, but in any event in an amount that exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction; extent permitted by law;
- B. Awarding punitive damages to the extent permitted by law;
- C. Awarding costs and fees of this action, including attorneys' fees to the extent permitted by law;
- D. Awarding prejudgment interest to the extent permitted by law;
- E. Awarding such other and further relief as to this Court may seem just and proper.


**JURY DEMAND**

Plaintiff demands a trial by jury on all issues so triable.

Dated: New York, New York  
September 3, 2019

Respectfully Submitted,

**HACH ROSE SCHIRIPPA & CHEVERIE, LLP**

  
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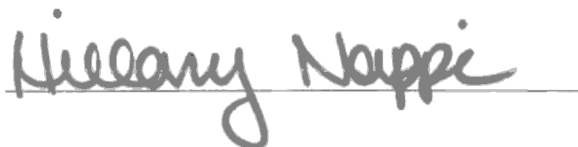
*Attorneys for Plaintiff* Patricia Rabinovich

**ATTORNEY VERIFICATION**

HILLARY NAPPPI, an attorney duly admitted and licensed to practice law in the courts of the State of New York, hereby affirms, pursuant to CPLR ¶ 2106, states under the penalty of perjury, as follows:

I am an associate at Hach Rose Schirripa & Cheverie LLP, attorneys for the Plaintiff herein, and as such, fully familiar with all the facts and circumstances heretofore stated herein by reason of a file maintained in our office located at 112 Madison Avenue, 10<sup>th</sup> floor, New York, New York 10016; I have read the foregoing Complaint, and the same is true to our own knowledge, except as to the matters therein stated to be alleged upon information and belief and, as to those matters, we believe them to be true; and that this verification is being made by us because the Plaintiff does not reside within New York County wherein our office is located.

Dated: September 3, 2019  
New York, New York

A handwritten signature in dark ink, reading "Hillary Nappi", is written over a horizontal line.